

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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MAILED

JUN 07 2007

U.S. PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte JEAN-LOUIS H. GUERET

Application No. 10/084,975

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was electronically received at the Board of Patent Appeals and Interferences on January 29, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below:

The Manual of Patent Examining Procedure (MPEP) § 609 (Eighth Ed., Aug. 2001) in regards to Information Disclosure Statements filed by applicants states in part.:

*37 CFR 1.97 Filing of information disclosure statement*

(b) An information disclosure statement shall be considered by the Office if filed by the applicant within any one of the following time periods:

- (1) Within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d);
- (2) Within three months of the date of entry of the national stage as set forth in § 1.491 in an international application;
- (3) Before the mailing of a first Office action on the merits; or
- (4) Before the mailing of a first Office action after the filing of a request for continued examination under § 1.114.

Appellants filed an Information Disclosure Statement (IDS) on July 12, 2002 before the mailing of a first Office action on the merits. It is not clear from the record whether the examiner considered the IDS as the references listed on the five pages of the form 1449 of the IDS have not been initialed and the examiner has not signed and dated the form. Correction is required.

Accordingly, it is ORDERED that the application is being returned to the Examiner:

- (a) for the examiner to properly consider the IDS filed July 12, 2002, and
- (b) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:

  
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PATRICK J. NOLAN  
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